

UNAPPROVED MINUTES  
PLANNING COMMISSION

July 16, 2014

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on July 16, 2014, there being present all the members of said Commission, to wit: Vicki G. Daulton, Bruce N. Thomasson, Jimmy W. Robertson, Samuel R. Carter, III, and Denise P. King; with Vicki G. Daulton, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY VICE CHAIR THOMASSON, SECONDED BY COMMISSIONER CARTER AND DULY CARRIED, the minutes of the regular meeting held on June 11, 2014, were approved as written – the roll call vote: all aye.

In re: Request for preliminary and final approval of a proposed subdivision plat filed by Francis V. Lane Jr., property owner, for The Terrace Subdivision to be located on McDowell Drive (Tax Map # 64-5-1).

The Executive Secretary reported the Commission had received a request for preliminary and final approval of a proposed subdivision plat filed by Francis V. Lane Jr., property owner, for The Terrace Subdivision to be located on McDowell Drive (Tax Map #64-5-1); and

WHEREAS, staff noted the following: the subject property consists of one parcel located on McDowell Drive; the parcel is approximately 13.46 acres and is bordered on the north by Interstate 81; the property is currently zoned RSF, and this request is for preliminary and final approval of the subdivision plat; and twenty-four lots will be created with the proposed subdivision; and

WHEREAS, Frank Caldwell of Caldwell White Associates, representing the property owner, appeared before the Commission explaining the request to subdivide the property; he noted that originally development of the property began in 1995 with The Hill Subdivision and then The Lawn Subdivision; now that things are beginning to look like they are turning up and since it takes some time to get one of these projects approved, the owner has requested that they proceed with the subdivision and begin the process of developing some lots; and

WHEREAS, Commissioner King asked what type of houses would be built on the lots, would they be equivalent to what is located in The Hill or would they be patio homes; Mr. Caldwell noted that he did not think that this decision has been made; the property is currently zoned RSF, and the subdivision is in conformance with the zoning classification in terms of lot size, frontage, etc.; he further noted that the housing market is kind of evolving and he does not know that a firm decision has been made yet on the style; obviously, the lots are not great big so it will impact the size of the houses built; and

WHEREAS, Vice Chair Thomasson asked if the developer was planning to buffer the rear next to the interstate; Mr. Caldwell noted that there would be a buffer; the grading plans provide for a four foot berm that can be planted with Leyland Cypress and those types of trees, etc.; and

WHEREAS, Chair Daulton asked if the stormwater management has been approved by staff; Mr. Caldwell noted that it has been addressed but is still being reviewed by the City Engineer's department; he stated the Commission is probably aware there are new rules that started July 1<sup>st</sup>, and they will comply with whatever comments they have in this regard; and

WHEREAS, Vice Chair Thomasson asked if the Commission's decision should be based on the final approval of the stormwater plans; Jay Taliaferro noted they could take it a step further and have it contingent on all the subdivision plans; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY VICE CHAIR THOMASSON, SECONDED BY COMMISSIONER ROBERTSON, AND DULY CARRIED, the request for preliminary and final approval of a proposed subdivision plat filed by Francis V. Lane Jr., property owner, for The Terrace Subdivision to be located on McDowell Drive (Tax Map #64-5-1) is hereby approved subject to City staff approving the subdivision plans; further, the Executive Secretary and City Engineer are hereby authorized to endorse such final approval of said final plat in accordance with The Code of the City of Salem, Virginia – the roll call vote: all aye.

In re: Request for preliminary and final approval of a proposed subdivision plat filed by North Oaks LLC, property owner, for North Oaks Subdivision, Section 5, to be located on Deer Run Circle and North Oaks Drive (P/O Tax Map # 24-4-5)

The Executive Secretary reported the Commission had received a request for preliminary and final approval of a proposed subdivision plat filed by North Oaks LLC, property

owner, for North Oaks Subdivision, Section 5, to be located on Deer Run Circle and North Oaks Drive (Tax Map # 24-4-5); and

WHEREAS, staff noted the following: the subject property consists of one parcel located on Deer Run Circle and North Oaks Drive; the parcel is approximately 4.95 acres and is bordered on the north by Interstate 81; the property is currently zoned RSF; this request is for preliminary and final approval of the fifth and final section of the existing subdivision; the overall master plan for the subdivision was approved in 2002; eighteen lots will be created with this section; and

WHEREAS, Ben Crewe of Balzer and Associates, representing the property owner, appeared before the Commission explaining the request to subdivide the property; he noted that this is the remaining section of the existing subdivision to finish out the development; and

WHEREAS, Vice Chair Daulton asked if the developer would be installing a buffer on the rear of the property next to the interstate; Mr. Crewe noted that the developer is providing one, but he does not know if it is required by the City's zoning ordinance; and

WHEREAS, Commissioner King asked if the homes would be patio homes just like Section #2, and Mr. Crewe noted that this is correct; and

WHEREAS, Chair Daulton asked if the stormwater management has been approved for this section; Chuck Van Allman noted that in this situation he did not think any plans had been submitted; in regards to the new regulations it would depend on whether this part was included in the comprehensive plan that was submitted to the Commission and City Council previously; but they will be under stormwater criteria for quality and quantity; and

WHEREAS, Commissioner Robertson asked if the developer was aware of this, and Mr. Van Allman noted that he believed so; Mr. Crewe also stated this was correct; and

WHEREAS, Vice Chair Daulton asked if the water pressure is ok in this neighborhood as well; Mr. Van Allman noted that he could check on it, but he has not heard of any problems related to the water; and

WHEREAS, Jay Taliaferro noted that if the Commission decides to award preliminary and final approval, staff recommends that it be contingent on staff's approval of the final plans as well as the plat; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSIONER ROBERTSON, SECONDED BY COMMISSIONER CARTER, AND DULY CARRIED, the request for preliminary and final approval of a proposed subdivision plat filed by North Oaks LLC, property owner, for North Oaks Subdivision, Section 5, to be located on Deer Run Circle and North Oaks Drive (P/O Tax Map # 24-4-5) is hereby approved subject to City staff approving the subdivision plans and plat; further, the Executive Secretary and City Engineer are hereby authorized to endorse such final approval of said final plat in accordance with The Code of the City of Salem, Virginia – the roll call vote: all aye.

In re: Hold public hearing to consider the request of Ridgewood Improvements, LLC, and MPW Group, LLC, property owners, for rezoning three parcels located at 1923 & 1951 Electric Road and 1650 Braeburn Drive (Tax Map #s 284-1-2.2, 284-1-2.3, and 284-1-2) from HBD Highway Business District with conditions to HBD Highway Business District with amended conditions (Continued from the June 11, 2014, meeting.)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Ridgewood Improvements, LLC, and MPW Group, LLC, property owners, for rezoning three parcels located at 1923 & 1951 Electric Road and 1650 Braeburn Drive (Tax #s 284-1-2.2, 284-1-2.3, and 284-1-2) from HBD Highway Business District with conditions to HBD Highway Business District with amended conditions (continued from the June 11, 2014, meeting.); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the July 2 and 9, 2014, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed May 30, 2014; and

WHEREAS, staff noted the following: when the Ridgewood Farms development was rezoned in 1979, there were numerous voluntarily-proffered conditions placed on the proposed development; two of those conditions must be amended in order for Kroger to construct a proposed fuel center; the properties are currently zoned HBD Highway Business District, which allows gasoline stations by right; however, when the property was rezoned to B3 in 1979, one of the conditions placed on the property did not allow for the construction of the fuel center; the second condition stated that “No access will be allowed to Electric Road (Route 419) except the extension of Braeburn Drive shall be allowed;” there has been an existing right in and right out access point onto Route 419 for many years, and the request is to remove this condition as it is not applicable to the development at this time; and

WHEREAS, Ben Crewe of Balzer and Associates, representing the lessee, appeared before the Commission explaining the rezoning request; he noted that Dwayne Tutt with Kroger Company was also in attendance at the meeting; the request is to amend two proffered conditions for the existing site; in 1979, there were ten or twelve conditions placed on the development, and they are requesting to amend two of those this evening to permit the fuel center to be constructed; the current zoning is HBD Highway Business District, and this will remain the same; the first condition is to add the use of a fuel center or gasoline station to the proffered conditions for the site; the second condition is a little bit of cleanup; the original condition stated "no access will be allowed to Electric Road (Route 419) except the extension of Braeburn Drive shall be allowed; " there has been an existing right in and right out access point on Route 419 for quite some time, and so they are proposing this condition be removed as it is not applicable to the development at this time; and with this condition, they are proposing a "right in only" turn on the Jersey Lily's property just to the north of where the fuel center is being proposed; he further noted that Kroger has identified this site as their next opportunity for a fuel center; they have an aggressive growth plan that they are trying to achieve, and they have targeted this store as a good opportunity to add a fuel center; and

WHEREAS, Chair Daulton asked why they felt the need to add another ingress for the development; Mr. Crewe noted that the shopping center is kind of under a revitalization currently, and there have been a lot of vacancies; so when Jersey Lily's came in, it kind of got the center a little re-energized, and they are trying to move on this "re-energy" by adding the fuel center; the owner of Jersey Lily's, which is MPW Group, who is part of the shopping center indicated that a lot of their patrons use the right in and right out to access their restaurant, and so they felt it might be a good opportunity to add a right in so they would have direct access to the restaurant; and

WHEREAS, Commissioner Thomasson asked if the proposed access will be north of the current cut toward Jersey Lily's, and Mr. Crewe noted that this is correct; and

WHEREAS, Chair Daulton noted that there is a proposed retaining wall that will run parallel to the proposed new entrance, and she asked if this was correct; Mr. Crewe noted that this was correct; and

WHEREAS, Mr. Crewe noted that the proposed fuel center will be very similar to the Spartan Square location except some of the proffered conditions changed the look of the proposed fuel center a little; the kiosk will be completely brick, and there will be brick on the columns also; so it will be a little nicer looking at this location to match the overall development scheme of the shopping center; and

WHEREAS, Chair Daulton noted that basically when someone turns into the first entrance they will not be able to make an immediate left, and Mr. Crewe noted that she was correct; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSIONER CARTER, SECONDED BY VICE CHAIR THOMASSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Ridgewood Improvements, LLC, and MPW Group, LLC, property owners, for rezoning three parcels located at 1923 & 1951 Electric Road and 1650 Braeburn Drive (284-1-2.2, 284-1-2.3, and 284-1-2) from HBD Highway Business District with conditions to HBD Highway Business District with amended conditions be approved – the roll call vote: all aye.

In re: Hold public hearing to consider the request of Danny Ray and Charlene G. Guard, property owners, for rezoning the property located at 925 Delaware Street (Tax Map #185-11-11) from HBD Highway Business District to RSF Residential Single Family District

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Danny Ray and Charlene G. Guard, property owners, for rezoning the property located at 925 Delaware Street (Tax Map #185-11-11) from HBD Highway Business District to RSF Residential Single Family District; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the July 2 and 9, 2014, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed July 3, 2014; and

WHEREAS, staff noted the following: the existing lot with home is 50 feet by 150 feet and is currently zoned HBD; the owners wish to rezone to RSF in order to sell the property; because of the current zoning, the single family residence is grandfathered, and any potential purchaser who attempts to obtain a residential mortgage cannot acquire a loan; the request is similar to several that the Commission has considered over the years and is a matter of bringing the zoning into compliance with the current land use; and

WHEREAS, Rob Robinson of 329 West Main Street, realtor representing the property

owners, appeared before the Commission explaining the rezoning request; he noted that potential purchasers are not able to get a loan due to the business zoning; so, the owners would like to rezone so that they can sell their property as a residence; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY VICE CHAIR THOMASSON, SECONDED BY COMMISSIONER CARTER, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Danny Ray and Charlene G. Guard, property owners, for rezoning the property located at 925 Delaware Street (Tax Map #185-11-11) from HBD Highway Business District to RSF Residential Single Family District be approved – the roll call vote: all aye.

In re: Hold public hearing to consider the request of Commerce Investors, LLC, property owner, and R & R Athletics LLC, lessee, for the issuance of a Special Exception Permit to allow athletic instruction services on the property located at 1354 Boulevard-Roanoke (Tax Map # 196-5-3)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Commerce Investors, LLC, property owner, and R & R Athletics LLC, lessee, for the issuance of a Special Exception Permit to allow athletic instruction services on the property located at 1354 Boulevard-Roanoke (Tax Map #196-5-3); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the July 2 and 9, 2014, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed July 3, 2014; and

WHEREAS, staff noted the following: the subject property consists of one parcel of approximately 4.27 acres and is located on the Boulevard near its intersection with Route 419 Electric Road; the property is occupied by a large multi-tenant industrial facility of approximately 66,350+ square feet, comprised of eight (8) suites; the request is for a Special Exception Permit for athletic instruction services; with the high ceilings in the warehouse area, the property owner believes the proposed use “is an appropriate use of the property and would be beneficial to the overall tenant mix...;” and the proposed tenant will occupy one of the suites; and

WHEREAS, Crystal Reeves of 1843 Redwood Road, Roanoke, and Kelsey Schmitt of 338 Academy Street, Salem, lessees, appeared before the Commission explaining the Special Exception Permit request; Ms. Reeves noted that they would like to open a form of fitness

instruction called Crossfit, which has become really popular over the last few years; they feel this building will be a really good location in Salem, and in addition, the high ceilings will work well for their athletic instruction; and

WHEREAS, Commissioner King asked if they are R & R Athletics, LLC, and Ms. Reeves noted they are two members of the business; and

WHEREAS, Vice Chairman Thomasson asked if they had other locations, and Ms. Reeves noted that they do not have any other locations; they have done Crossfit coaching in other businesses but this is the first facility they would like to open; and

WHEREAS, Chair Daulton noted that there are currently 36 marked parking spaces; before the request can be approved, they would be required to have 28 parking spaces; she asked if they have a parking plan for the business; Ms. Reeves noted they have consulted with Feeding America, which is on the other side of the railroad tracks, and during normal business hours, they will be allowed to have overflow parking in their parking lot according to their landlord who has made the arrangements; Mrs. Daulton asked if she knew how much additional parking would be available, and Ms. Reeves noted that she did not know off the top of her head, but it looks like a couple hundred spaces in the back lot area; and

WHEREAS, Commissioner King asked if she had said the parking lot is across the railroad tracks from their location; Ms. Reeves noted that this was correct; she noted that at the building entrance door, there are parking spaces for the building; the railroad tracks are adjacent to the parking lot, and there is a roadway that crosses the railroad tracks which goes to the back parking lot for Feeding America; Mrs. Daulton asked staff if this would satisfy the parking requirement for the business; Mary Ellen Wines asked if they had anything in writing with Feeding America that they could provide a copy to the City; Ms. Reeves noted that the landlord is working on an agreement; Mrs. Wines noted that the Commission could approve the request subject to receiving a copy of the parking agreement; and

WHEREAS, Commissioner King asked if the people would be parking in the Feeding America lot and then walking across the railroad tracks; Ms. Reeves noted that primarily they would tell their members and athletes there are parking spaces available in their parking lot, and they would need to park in that location first before using the Feeding America lot; Mrs. Schmitt noted that they did not believe the tracks are active; Melinda Payne noted that occasionally a rail car is brought in on this track – maybe a half dozen times a year; Ms. Reeves also noted that at any given class time they do not expect more than 15 to 20 people at the facility; and



WHEREAS, Vice Chair Thomasson asked if the classes would be primarily morning and evening classes; Ms. Reeves noted that they will have early morning classes, two mid-morning classes, and three evening classes; further, usually after 5 pm with the rest of the tenants in the building closed, the parking lot would be empty; and

WHEREAS, Chair Daulton asked what the hours of operation would be; Ms. Reeves noted that the first class would start at 5:30 in the morning and the last class would start at 6:30 in the evening and end at 7:30 pm; Mrs. Daulton noted that in the winter time lighting will be an issue; she asked if there is sufficient lighting in the parking lot around the building; Ms. Reeves noted that there is lighting on the outside warehouse doors right at the entrance; Mrs. Daulton asked if this is something that has to be approved by city staff, and Mrs. Wines noted she did not think so; Commissioner Robertson noted that there are large lights over the doors for every unit in the building; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY VICE CHAIR THOMASSON, SECONDED BY COMMISSIONER CARTER, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Commerce Investors, LLC, property owner, and R & R Athletics LLC, lessee, for the issuance of a Special Exception Permit to allow athletic instruction services on the property located at 1354 Boulevard-Roanoke (Tax Map #196-5-3) be approved subject to the City receiving a parking plan – the roll call vote: all aye.

In re: Hold a public hearing to consider amending Chapter 106, Article II District Regulations, Sections 106-218.2(B)(7) and 106-220.2(B)(7) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to aviation facilities

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider amending Chapter 106, Article II District Regulations, Sections 106-218.2(B)(7) and 106-220.2(B)(7) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to aviation facilities; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the July 2 and 9, 2014, issues of The Roanoke Times; and

WHEREAS, staff noted the following: this request is to amend Chapter 106, Article II District Regulations, Sections 106-218.2(B)(7) and 106-220.2(B)(7) pertaining to aviation facilities; currently the city's zoning ordinance only allows aviation facilities by Special Exception Permit in HBD Highway Business District and BCD Business Commerce District; and

WHEREAS, Mary Ellen Wines, Deputy Zoning Administrator/Secretary, appeared before the Commission explaining the proposed ordinance amendments; she noted in conducting research it came to staff's attention that the use of aviation facilities is allowed only in our HBD Highway Business District and BCD Business Commerce District; aviation facilities use group allows for not only the takeoff and landing of aircraft, it also allows the operation of, the fueling of, repair and storage of these crafts as well; these uses may be more suited in industrial districts in some cases, and staff requests that it be added to the light manufacturing and heavy manufacturing districts by Special Exception so that the appropriateness is determined on a case by case basis; and

WHEREAS, Vice Chair Thomasson asked what facilitated the research to come to this conclusion; Mrs. Wines noted that some questions had come up regarding aviation facilities and where it was allowed; Mr. Thomasson asked if it was an inquiry, and Mrs. Wines noted that this was correct;

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSIONER ROBERTSON, SECONDED BY VICE CHAIR THOMASSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that Chapter 106, Article II District Regulations, Sections 106-218.2(B)(7) and 106-220.2(B)(7) of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to aviation facilities be amended as follows:

## ARTICLE II DISTRICT REGULATIONS

### SECTION 106-218 LIGHT MANUFACTURING DISTRICT.

#### Sec. 106-218.2. Permitted uses.

- (B) The following uses are permitted by special exception in the LM Light Manufacturing District, subject to all other applicable requirements contained in this chapter. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

#### 7. Miscellaneous Use Types

##### **Aviation Facilities**

Tower \*

Utility Services, Major

SECTION 106-220 HEAVY MANUFACTURING DISTRICT.

Sec. 106-220.2. Permitted uses.

- (B) The following uses are permitted by special exception in the HM Heavy Manufacturing District, subject to all other applicable requirements contained in this chapter. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards.

7. Miscellaneous Use Types

**Aviation Facilities**

Tower \*

-- the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:32 p.m.

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Executive Secretary

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Chair